

1622-CC01463

Electronically Filed - City of St. Louis - May 23, 2016 - 10:59 AM

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

JASPER JOHNSON,)	
)	
Plaintiff,)	Cause No.:
)	
vs.)	Div. No.
)	
GEICO GENERAL INSURANCE)	Contract - Other
COMPANY,)	
)	Jury Trial Demanded
SERVE: Mr. John M. Huff)	
Missouri Director of Insurance)	
301 West High Street)	
Room 530)	
Jefferson City, MO 65101)	
(Cole County, Missouri))	
)	
Defendant.)	

PETITION FOR DAMAGES - UNINSURED MOTORIST COVERAGE

Comes now Plaintiff Jasper Johnson, and for his cause of action against Defendant Geico General Insurance Company, states:

1. That Defendant Geico General Insurance Company (hereinafter " Defendant Geico") is an insurance company which has an office and agent for the transaction of its usual customary business in the City of St. Louis, Missouri.
2. That at all times mentioned herein, Plaintiff was an insured resident of Missouri under a policy of insurance, Policy Number 4279-75-43-88, issued by Defendant Geico; that said policy provided uninsured motorist coverage in the amount of \$50,000.00 per person per accident for two separate vehicles for the Plaintiff in the event of a motor vehicle accident with an uninsured motorist, and thus, the Plaintiff has \$100,000.00 in uninsured motorist coverage with Defendant Geico.



3. That on May 1, 2015, Plaintiff was operating his motor vehicle northbound on Lucas and Hunt after its intersection with Burwood Drive; that on said occasion, Nigel Liddell, an uninsured motorist, as defined in the Geico policy, was operating his motor vehicle on Lucas and Hunt when he rear-ended another motor vehicle which was forced into the rear end of Plaintiff's vehicle.

COUNT I

Comes now Plaintiff, and first his first Count against Defendant Geico, states:

4. That the aforesaid collision and Plaintiff's consequent injuries were the direct and proximate result of the negligence and carelessness of the uninsured motorist, Nigel Liddell, in the following respects, to-wit:

a) Nigel Liddell was negligent in that he operated his motor vehicle into collision with the rear end another motor vehicle which was forced into the rear of Plaintiff's vehicle;

b) Nigel Liddell failed to keep a careful and cautious lookout;

c) Nigel Liddell was traveling too fast for conditions.

5. That as a direct and proximate result of the aforesaid negligence of the aforesaid uninsured motorist, Plaintiff was caused to suffer the following serious, permanent and painful injuries and damages, to-wit: Plaintiff's right shoulder, and the bones, joints, cartilage, ligaments, tendons, blood vessels, and related soft tissues and structures of the aforesaid parts of Plaintiff's body, were bruised, contused, strained, sprained, stretched, broken, ruptured, lacerated and torn; that Plaintiff suffered tearing of the supraspinatus and infraspinatus tendons which required surgical intervention; that as a result of said injuries, Plaintiff's ability to function has been severely limited and impaired; that all of the

aforesaid injuries are permanent, painful and progressive; that as a result of his injuries, Plaintiff has incurred medical expenses in the approximate amount of \$55,227.50 to date and has also lost wages totaling \$11,045.35 to date and will incur additional medical charges and will lose additional wages in the future, and Plaintiff's damages exceed the "stacked" uninsured motorist coverage.

WHEREFORE, Plaintiff prays judgment against Defendant Geico for uninsured motorist benefits in excess of \$25,000.00, together with his costs.

COUNT II

Comes now Plaintiff, and for Count II of his Petition against Defendant Geico, hereby seeks damages for vexatious refusal.

9. Plaintiff reincorporates by reference Count I, Paragraphs 1 through 5, as if fully stated herein.

10. As of May 23, 2016, pursuant to the provisions of R.S.Mo. 375.296, Defendant Geico has failed or refused for a period of 30 days after due demand prior to the institution of this action to make payment under the terms of the policy, and per R.S.Mo. 375.420, Plaintiff seeks damages for vexatious refusal of Defendant Geico in that Defendant Geico has refused to pay any such loss without reasonable cause or excuse.

11. Plaintiff seeks damages not to exceed 20% of the first \$1,500.00 of his loss, and 10% of the amount of the loss in excess of \$1,500.00 and a reasonable attorney's fee, and requests the Court enter judgment for the aggregate sum found in the verdict.

12. Plaintiff suffered injuries as described herein and has demanded payment along with supporting documentation from Defendant Geico, however, Defendant Geico has unreasonably, unjustifiably, and vexatiously refused to meet Plaintiff's demand.

WHEREFORE, Plaintiff requests damages as stated in Count I, and also, damages as stated in Count II for vexatious refusal, together with his costs.

MOGAB & HUGHES ATTORNEYS, P.C.

BY: 

DAVID G. HUGHES 47676

Attorney for Plaintiff

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St. Louis, Missouri 63101

(314) 241-4477 (Telephone)

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davidhughes@mogabandhughes.com



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC01463	Special Process Server 1
Plaintiff/Petitioner: JASPER JOHNSON	Plaintiff's/Petitioner's Attorney/Address DAVID GEORGE HUGHES SUITE 1510 701 MARKET ST ST LOUIS, MO 63101	Special Process Server 2
Defendant/Respondent: GEICO GENERAL INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Contract-Other		

RECEIVED

MAY 31 2016

COLE COUNTY

SHERIFF'S OFFICE

Summons in Civil Case

The State of Missouri to: GEICO GENERAL INSURANCE COMPANY

Alias:

JOHN M HUFF
MISSOURI DIRECTOR OF INSURANCE
301 W HIGH STREET ROOM 530
JEFFERSON CITY, MO 65101

COLE COUNTY, MO

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

May 24, 2016

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

Kathy Johnson (name) Dwyer (title).

☐ other _____ (address)

Served at 301 W High (County/City of St. Louis), MO, on 6/11/16 (date) at 10:15 AM (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.


1622-CC01463
MAY 31 2016



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Plaintiff/Petitioner: JASPER JOHNSON	Plaintiff's/Petitioner's Attorney/Address DAVID GEORGE HUGHES SUITE 1510 701 MARKET ST ST LOUIS, MO 63101	Special Process Server 2
	vs.	Special Process Server 3
Defendant/Respondent: GEICO GENERAL INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Contract-Other		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: GEICO GENERAL INSURANCE COMPANY Alias: JOHN M HUFF MISSOURI DIRECTOR OF INSURANCE 301 W HIGH STREET ROOM 530 JEFFERSON CITY, MO 65101 COURT SEAL OF  CITY OF ST LOUIS	COLE COUNTY, MO You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. May 24, 2016 _____ Date Further Information:	_____ Clerk
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- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

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